

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANNY CAESAR,

No. C 08-1977 SBA (PR)

Plaintiff,

**ORDER GRANTING PLAINTIFF'S
REQUEST FOR AN EXTENSION OF
TIME TO FILE RESPONSE TO THE
COURT'S OCTOBER 29, 2010 ORDER**

v.

ROBERT HOREL, et al.,

(Docket no. 29)

Defendants.

Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983 against prison officials at Pelican Bay State Prison (PBSP), where he was formerly incarcerated. Thereafter, Plaintiff filed an amended complaint adding additional Defendants.

On October 29, 2010, the Court reviewed the amended complaint and issued an "Order Reviewing First Amended Complaint; and Directing Plaintiff to File Proof of Service or Show Cause." The Court found that Plaintiff's allegations in the amended complaint stated a cognizable claim of deliberate indifference to serious medical needs against Defendants Horel, Sayre, Rowe, Williams and Douglas, as well as cognizable supervisory liability claims against Defendants Horel and Sayre. However, the Court directed Plaintiff, who paid the filing fee in this matter, to "either provide the Court with proof of service of the summons and complaint upon the Defendants against whom he alleges his deliberate indifference to serious medical needs and supervisory liability claims, or otherwise show cause why the complaint should not be dismissed without prejudice as to each unserved Defendant pursuant to Rule 4(m) of the Federal Rules of Civil Procedure." (Oct. 29, 2010 Order at 13.) Plaintiff was also directed to file an amendment to the amended complaint containing amended ADA and Section 504 claims against PBSP and the CDCR. The Court dismissed the remaining claims against all other Defendants. He was given thirty days to file his response to the Court's Order.

Plaintiff has filed a request for an extension of time to: (1) file his amendment to the amended complaint; and (2) show proof that he has served those Defendants against whom

1 cognizable claims for relief have been found, or to show cause why such Defendants should not be
2 dismissed from this action without prejudice. Having read and considered Plaintiff's request, and
3 good cause appearing,

4 IT IS HEREBY ORDERED that Plaintiff's request for an extension of time is GRANTED.
5 The time in which Plaintiff may: (1) file his amendment to the amended complaint; and (2) either
6 provide the Court with proof of service on those Defendants against whom cognizable claims for
7 relief have been found, or show cause why such Defendants should not be dismissed from this action
8 without prejudice, will be extended up to and including **December 30, 2010**. Failure to do so by the
9 new deadline shall result in: (1) the dismissal without prejudice of his ADA and Section 504 claims
10 against PBSP and the CDCR; and (2) the dismissal without prejudice as to the remaining claims
11 against the unserved Defendants pursuant to Rule 4(m).

12 This Order terminates Docket no. 29.

13 IT IS SO ORDERED.

14 DATED: 12/1/10

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16 SAUNDRA BROWN ARMSTRONG
17 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
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6 DANNY CAESAR,

Case Number: CV08-01977 SBA

7 Plaintiff,

CERTIFICATE OF SERVICE

8 v.

9 ROBET HOREL et al,

10 Defendant.
11 _____/

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on December 2, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
16 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 Danny L. Caesar D-07644
19 Corcoran State Prison
P.O. Box 3481
Corcoran, CA 93212

20 Dated: December 2, 2010

21 Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk
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